



State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES

6 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095
(603) 271-2147 FAX (603) 271-6588



**LETTER OF DEFICIENCY
WET 2003-16**

July 11, 2003

Steven and Greta Gardner
2220 Ocean Blvd
Rye, NH 03870

**RE: DES Wetlands Complaint File #2003-01360, 2220 Ocean Blvd., Rye
Tax Map 5.3, Lot 64**

Dear Mr. and Mrs. Gardner:

On June 13, 2003, June 24, 2003 and July 2, 2003, personnel from the Department of Environmental Services ("DES") conducted inspections of the above referenced property, more specifically referenced on Town of Rye Tax Map 5.3 as Lot 64 (the "Property"). The purpose of the inspections was to determine compliance with RSA 482-A and NH Code of Admin. Rules Wt 100-700.

During the inspections the following deficiencies were documented

Approximately 5,600 square feet of sand dune, lowland or submerged lands in wetlands jurisdiction seaward of the highest observable tideline was either dredged, excavated and/or filled without a permit from DES. This is a violation of RSA 482-A:3, I.

In response, you are requested to take the following actions

Allow the beach area to move and recontour thereafter according to the natural dynamic of the beach and tidal action, without interference. Hand-raking of accumulated seaweed is allowed.


DES may construe any failure to respond to this Letter of Deficiency in a timely and complete manner as continuing noncompliance.

Issuance of this letter shall not preclude further enforcement by DES. Failure to comply with RSA 482-A will result in enforcement by DES, including but not limited to the issuance of fines, administrative orders, or referral to the New Hampshire Office of the Attorney General for prosecution of civil or criminal penalties. If an order is issued to you, it may be recorded with the Registry of Deeds as an encumbrance against your property.

All documents submitted in response to this Letter of Deficiency should be addressed as follows:

Mary Ann Tilton, Senior Enforcement Officer
Wetlands Bureau
Department of Environmental Services
6 Hazen Drive
PO Box 95
Concord, NH 03302-0095

Should you have any questions regarding this letter, or wish to arrange a meeting, please contact Ms. Tilton at (603) 271-4061 or me at 271-4054.

Sincerely,
COPY
for 
Collis Adams, CWS
Bureau Administrator
Wetlands Bureau

CERTIFIED MAIL 7099 3400 0003 0688 0368

cc: Rene Pelletier, Manager, Land Resources Management Program
Gretchen Rule, Administrator, DES Legal Unit
Rye Conservation Commission
Rye Board of Selectmen
Susan Zarlengo, Rye Building Inspector
David Killoy, USACOE